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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17916 of 2021 (O&M)
Decided on: 16.12.2021

Kiran Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Dr. Sarju Puri, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.194 dated 06.10.2019, for offence punishable under Section 306 of the Indian Penal Code (in short 'IPC') registered at Police Station Dehlon, District Ludhiana.

Counsel for the petitioner has submitted that the petitioner is in custody since 13.11.2020 and he is not involved in any other case. It is further submitted that the FIR was registered on the statement of one Amar Singh with the allegations that his son Balwinder Singh @ Raju has committed suicide and as per the suicide note, it is stated that the complainant side has purchased plot from Kiran Kumar (petitioner herein) and has given Rs.1.00 crore but the sale deed has not been executed and even the possession is not delivered and under that pressure, he has committed suicide and, therefore, it will be a matter of

trial whether Section 306 IPC is made out or not. It is also submitted that in fact, as per the agreement qua 17 kanals 15 marlas of land, the petitioner paid Rs.9.00 lacs in total and it was a dispute arising out of non-performance of the agreement to sell and from the perusal of the FIR, nothing is made out as to how the petitioner has abetted Balwinder Singh, in such a manner that he had no option but to commit suicide.

Counsel for the petitioner has also submitted that the father of the deceased has, in fact, filed a suit regarding the dispute between the partners and later on, the same was withdrawn.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 13.11.2020; he is not involved in any other case; the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.12.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No